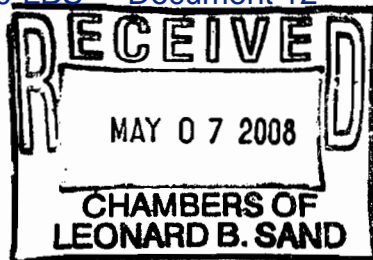


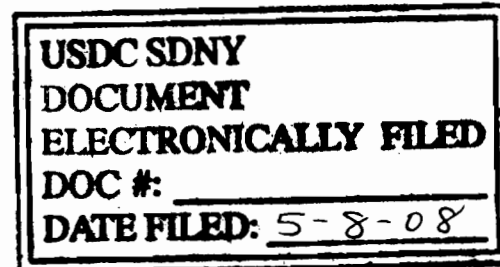
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BY HAND DELIVERY

May 6, 2008



Honorable Leonard B. Sand
United States District Court
Southern District of New York
500 Pearl Street – Room 1650
New York, New York 10007-1312

RE: United States v. Joseph P. Collins, 07 Cr. 1170

Dear Judge Sand:

We write on behalf of defendant Joseph Collins to summarize the status of discovery and to provide notice of motions the defense intends to submit.

Status of Discovery

At the initial pretrial conference, it was anticipated that the government would complete discovery by early March. Unfortunately, the process took longer than expected, due largely to difficulties arising from the electronic transfer of approximately 12 million pages of documents stored in 32 separate computer databases. As of the beginning of April, we were still awaiting voluminous productions from the government's outside vendor, including documents that the government had collected from Refco, the defendant's law firm (Mayer Brown) and several other entities central to this case. On April 9, 2008, we raised these concerns with the government, which promptly provided its assistance. On April 25, 2008, we were finally advised by our data carrier that all 32 databases were uploaded in our systems and available for review. Since that date, however, we have received an additional database from the government's vendor and two discs containing more than 10,000 new pages from the government directly.

We are now in the preliminary stages of searching the approximately 12 million pages of documents. Because we are at the very outset of this process, we are not in a position to give a meaningful estimate of how quickly we will be able to complete this task but we anticipate it will take an extended period of time.

Nevertheless, we do not see any reason to defer the filing of motions at this stage. We respectfully reserve the right, however, to file additional motions as appropriate at a later stage, based upon the results of our continuing document review, and on such further production as the government may provide.

MEMO ENDORSED

MEMO ENDORSED

Anticipated Defense Motions

We anticipate filing the following motions at this stage:

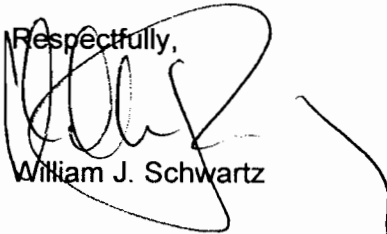
- A motion to dismiss the forfeiture allegations in the Indictment
- A motion for a bill of particulars, requesting certain limited particulars
- Motions for discovery and Brady material, including the production of certain statements of government witnesses in advance of trial
- A motion to admit the results of a polygraph examination on the central issues in this case under Fed. R. Evid. 702 and under *Daubert v Merrell Dow Pharmaceuticals*, 509 U.S. 579 (1993)

We believe that we can submit these motions by June 27, 2008. We would suggest that the government be given a month to respond and the defense two weeks to reply. The *Daubert* motion might require a hearing at some point before trial.

* * *

At the initial pretrial conference, the Court tentatively scheduled a conference for May 12, 2008, in the event that no defense motions were to be filed. (12/18/07 Tr. P. 13) We would be glad to appear for a conference on that date if the Court deems it appropriate, or to appear at a later date once motions have been fully briefed.

Respectfully,

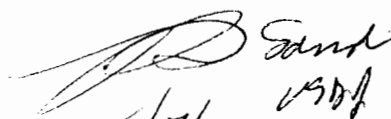

William J. Schwartz

cc: Neil M. Barofsky
Christopher L. Garcia
Assistant United States Attorneys

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May 12, 2008 conference is cancelled.
So ordered

MEMO ENDORSED


5/7/08 VJH